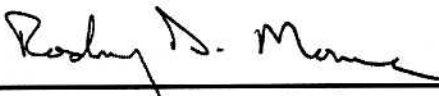




RICHMOND POLICE DEPARTMENT GENERAL ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 1	Number 1	Effective Date 09/07/07	Review Date 2010
Subject CODE OF CONDUCT			☐ New Order ☒ Replaces G.O. 100-1, (03/01/05)
References CALEA 1.1.2, 1.2.1, 1.3.1, 12.1.3, 12.2.1g, 17.5.1, 17.5.2, 22.3.2, 26.1.4a, 26.1.4b, 26.1.4c, 26.1.5 VLEPSC ADM.01.01, ADM.01.02, ADM.02.01, ADM.05.01a, ADM.06.01e, ADM.07.04d, ADM.09.01c, PER.09.01, PER.09.02a, PER.09.02b, PER.09.02c and PER.09.03 City of Richmond Personnel Rules for the Classified Service Richmond City Code 2-1240; City Code 2-273 City Admin. Reg. 1.2, 1.5 VA Code §15.2-1512.2, 9.1-503, 2.2-3103 General Orders 7-21, 4-9, 1-6, 6-10, 4-4, 1-5, 1-7, 3-9, 6-12			
 Chief of Police or Designee		09/07/07 Date	

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I. PURPOSE

The purpose of this directive is to establish a basis of conduct for all members of the Richmond Police Department. It is recognized that rules, regulations, policies and procedures cannot be prescribed for every specific action or circumstance encountered by Department members. In emergencies, or situations not addressed in this order, the individual is expected to use his/her own discretion governed by sound judgment. The rules contained in this order are issued under authority granted by City Code 2-167. All Department members are required to familiarize themselves with these rules.

II. POLICY

It is the policy of the Richmond Police Department to ensure that the performance of its members is characterized by lawful police actions that are carried out in an exemplary

fashion. To this end, the Richmond Police Department expects its personnel to maintain the highest standards of appearance and conduct at all times, while on duty or off duty.

Violations of the City of Richmond's Administrative Regulations, Code of Conduct, General Orders, Executive Orders, City of Richmond's Personnel Rules, City of Richmond's Ordinances, and/or laws of the Commonwealth of Virginia or the United States of America shall result in disciplinary or personnel action as defined in this policy. The disciplinary action taken will depend on the severity of the offense, the record of the offender, and the seriousness of the consequences of the violation.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITIONS

- A. COMPLIANCE WITH RULES - Members of the Department are required to comply with any rule that corresponds with their level of authority and responsibility.
- B. HARASSMENT - A course of action or conduct composed of a series of aggravated acts, over a period of time, however short, which indicates a continuity of purpose directed at a specific person or group of persons which serves no legitimate purpose.
- C. RULES OF CONDUCT - The governing rules of conduct for the ethical, legal, and moral conduct of all members of the Richmond Police Department.
- D. MEMBERS OF THE DEPARTMENT - The term "Member of the Department" is inclusive of both sworn and non-sworn personnel whether full-time, part-time, grant-funded or contractual.
- E. SWORN OFFICERS - The term "Sworn Officer" is inclusive of all sworn police positions within the Richmond Police Department.
- F. DISCIPLINARY ACTIONS - May include a written reprimand, suspension, reduction in pay, demotion, or dismissal/termination.
- G. MORAL TURPITUDE - An intentional act or behavior displayed in words or actions which violates public morals or the common sense of the community, involving but not limited to, intent to defraud, intentional dishonesty for personal gain, lying, perjury, subornation of perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.
- H. PERSONNEL ACTIONS - May include probation, counseling, training, close supervision, a special performance evaluation, transfer, demotion or termination.

V. PENALTIES

A. COUNSEL

1. Informal Counsel - A verbal statement made to the employee intending to improve job performance or job related behavior and acknowledged by the employee. An informal Counsel is not a disciplinary action and is not grievable. (Personnel Rule 5.1)
2. Formal Counsel - A verbal statement, followed in written form (PD-40) and acknowledged by the employee, made to the employee intending to improve job performance or job related behavior per City Personnel Rule 5.1. The written document will become a permanent part of the employee's personnel file. Per City Personnel Rule 5.1, counseling is not a disciplinary action and is not grievable.

B. REPRIMAND – A written disciplinary statement (**PD-21**) by a supervisor made to his/her employee concerning the employee's job performance or job related behavior. Each such reprimand shall be confirmed by memorandum from the person imposing the reprimand on the employee, with a copy of the memorandum being placed in the employee's personnel file in the Department of Human Resources, delivered to the employee and sent to the Appointing Authority. This memorandum shall provide reasons for the reprimand and specific examples of violations, infractions, performance issues or personal conduct. The affected employee shall receive the original copy of the reprimand. Copies of the reprimand shall also be placed in the employee's Central Human Resource, and Police Personnel files. The employee may attach written correspondence for inclusion in the record within seven (7) calendar days of receipt of a written reprimand. Reprimands are subject to the grievance process. (Personnel Rule 5.5).

C. SUSPENSION - The temporary removal of an employee from duty and pay status for cause. All disciplinary suspensions are without pay and are for a specified period of time. Suspensions are subject to the grievance process. (Personnel Rule 5.6).

D. DEMOTION - The placement of an employee in a position in a lower class for which a lower maximum rate of pay is authorized. As a disciplinary measure, the Chief of Police may recommend that an employee be demoted to a lower classification. Disciplinary demotions are subject to the grievance process. (Personnel Rule 5.8).

E. TERMINATION/DISMISSAL - The removal of an employee from city service. Once it has been determined that an employee's conduct/behavior warrants separation, the Chief of Police shall recommend to the **Chief Administrative Officer** that the employee be terminated/dismissed. The employee shall be informed in writing of the charges and shall be given the opportunity for a pre-disciplinary/pre-termination conference. (Personnel Rule 5.9).

F. REDUCTION IN PAY – The reduction of an employee's pay within the employee's assigned pay range. (Personnel Rule 5.7).

VI. RESPONSIBILITIES

- A. It shall be the responsibility of each member of the Richmond Police Department to comply with the Rules of Conduct as defined within this document.
- B. The positive public image, which the City of Richmond strives to develop with citizens, is fashioned by our adherence to high standards of personal conduct. Police officers wield considerable power over the public in order to provide our services. The Department's enforcement responsibilities and activities result in our members being the most visible form of government representing the City of Richmond. Police powers are carefully balanced and circumscribed by federal, state, and local laws, and, ultimately, by the U.S. Constitution and Bill of Rights. Police powers to arrest, seize property, and lawfully interfere with the lives of citizens must be accomplished with public trust. We regard this trust as vital to our success and we must protect this confidence through exemplary performance at all times.

VII. LAW ENFORCEMENT CODE OF ETHICS

All sworn officers are required to swear to an oath of allegiance upon becoming a member of the Richmond Police Department. This oath includes a pledge to lead their lives in accordance with the Law Enforcement Code of Ethics. Richmond Police Officers shall manage their affairs in such a manner as to maintain a high degree of integrity in their public and private lives, as required by the Law Enforcement Code of Ethics:

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law of the land and the regulations of my Department. Whatever I see or hear of a confidential nature that is confided to me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of duty.

I will never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my decisions with no compromise for crime and with relentless prosecution of criminals. I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust, to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession--law enforcement."

VIII. VIOLATION OF RULES

Department members shall not commit any acts or omit any acts that constitute a violation of any of the *City of Richmond's Administrative Regulations, Code of Conduct, General Orders, Executive Orders, City of Richmond's Personnel Rules, City of Richmond's Ordinances, and/or laws of the Commonwealth of Virginia or the United States of America*, whether stated in this *policy* or elsewhere. A violation of any such rule, regulation, directive or order **is a disciplinary offense and subjects the violator to disciplinary action**. It is necessary to be specific when drafting charges. The particular offense committed and the specific rule violated must always be specified.

IX. RULES OF CONDUCT

§ 01 AUTHORITY OF ORDERS/INSUBORDINATION – Members of the Department will obey all lawful orders issued to them by supervisors of a higher rank. This includes orders relayed from a supervisor by an employee of the same or lesser rank. Unjustified bypassing of rank in the chain of command or the non-exigent circumvention of the chain of command may constitute insubordination. *(Failure to obey a lawful order is a clear case of misconduct. The only question that may arise is whether the order is lawful or is in conflict with another order. This situation is addressed in § 3.)*

§ 02 ISSUING LAWFUL ORDERS – Department supervisors will not knowingly or willfully issue any order in violation of a law, ordinance, rule or order of the United States, Commonwealth of Virginia, City of Richmond or the Richmond Police Department.

§ 03 CONFLICTING OR ILLEGAL ORDERS

A. Employees, who are given an otherwise proper order that is in conflict with a previous order, rule, regulation or directive, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

B. Employees shall not obey any order which they know, or should know, would require them to commit any illegal act. If in doubt as to the legality of an order, the employee shall request the issuing supervisor to clarify the order or to confer with higher authority. *(This section provides procedures for an employee to follow if he/she is given an order that conflicts with other orders or is issued an order that the employee considers to be illegal. If an employee receives conflicting orders, the employee must notify his/her supervisor so that the conflict may be resolved. Failure to do so may render the employee liable for disobedience of both the order and this section. An employee who receives an order that he/she reasonably believes would require him/her to commit an illegal act must at least question that order,*

and refuse to obey it if not satisfied as to its legality. An employee may not be disciplined for questioning the legality of an order.)

⌘ 04 IMMORAL OR UNBECOMING CONDUCT – Department members shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral turpitude that impairs their ability to perform as law enforcement employees or cause the Department to be brought into disrepute. Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Department. Conduct unbecoming shall include that which brings the Department into disrepute or reflects discredit upon the employee as a member of the Department, or that which impairs the operation or efficiency of the Department or employee. *“Impairment of ability to perform as a law enforcement employee” refers to the individual’s loss of respect among the community or other employees to the point that the notorious nature of the individual’s personal character overshadows the authority of his/her office so that he/she can no longer effectively exercise that authority. “Causing the Department to be brought into disrepute” refers to the same situation, with the exception or addition that the individual’s conduct reflects adversely on the Department as a whole, where, for example, the individual’s conduct is generalized by the community to involve the entire Department, and thus interferes with every employee’s effectiveness. It is important to note that when an employee is charged with conduct which interferes with the effectiveness or the reputation of the employee or the Department, it is necessary to prove, as one of the elements of the offense that damage has, in fact, been done to the effectiveness or reputation of the Department or the employee. Before charging an employee with “unbecoming conduct”, the supervisor should examine all other rules to ascertain whether a specific rule violation is applicable. If a particular rule applies, it should be used instead of “unbecoming conduct”).*

⌘ 05 CONFORMANCE TO LAWS

- A. Employees shall obey all laws of the United States and of any state and local jurisdiction in which the employees are present.
- B. Conviction of a crime involving moral turpitude will constitute a basis for disciplinary action and may subject the employee to job forfeiture. Further, any other conviction of the violation of a law shall be prima facie evidence of a violation of this section.
- C. Any member of the Department who is charged with a traffic infraction (excluding parking violations), or learns that he/she may be the defendant in any criminal action, shall report such action to the Chief of Police, in writing through channels, without delay. (The Policy and Procedure Manual outlines the responsibilities of employees who are served with lawsuit papers.) *(This section is also a general provision. Subsection A is intended to establish clearly that violation of any law is a departmental disciplinary offense as well as an illegal act subjecting the violator to criminal penalties. It is not necessary, under this section, to establish that the illegal act in any way affects Department operation or that the employee may be convicted of*

the crime. However, the rule must be applied with caution, especially where the criminal act is minor (i.e., minor non-hazardous traffic violations.)

- ⌘ 06 REPORTING FOR DUTY – Department members shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly dressed and equipped in accordance with Department guidelines. As appropriate, while on duty, members shall have in their possession: police identification, a valid driver's license while operating a motor vehicle, an approved service weapon (sworn officers), and be cognizant of information required for the proper performance of duty so that they may immediately assume their duties. *(Because many police operations function on a shift basis around the clock, it is important that members going on duty be prompt and prepared to assume their duties as soon as the earlier shift is relieved.)*
- ⌘ 07 LEAVE – All members absent from duty will be placed in an official leave status as prescribed by the City of Richmond's Personnel Rules. Department members shall be present for duty, unless a supervisor has approved the leave. In emergency situations, Department members will notify their supervisors, as soon as practical and request leave.
- ⌘ 08 FICTITIOUS ILLNESS OR INJURY REPORTS – Unless incapacitated, all members of the Department will notify their immediate supervisor, as soon as practical, of any injury or illness occurring while on duty. Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health. *(While there is a specific rule for reporting illness, with medical certification required in some instances, this section adds administrative penalties to the false report of illness or injury. This section is also aimed at preventing false claims of injury for purposes of workman's compensation or disability retirement.)*
- ⌘ 09 UNFIT FOR DUTY – Any supervisor may temporarily relieve from duty an employee under his/her supervision for a period of not more than one workday on the grounds that the employee is unfit for duty. "Unfit for duty" may include any physical or mental condition which might, in the judgment of the supervisor, render the employee incapable of adequately performing duties, or performing them in such a way as to embarrass or discredit the Department or jeopardize the safety of any person or property. The supervisor shall immediately notify the **Night Supervisor** on duty regarding any action under this section. *(If it is determined that the officer's police powers shall be suspended, refer to General Order 4-9, **Withdrawal or Restriction of Police Powers.**)*
- A. A supervisor, who relieves an employee from duty under this Section, may direct that the employee be carried on sick leave, vacation, or other appropriate leave with pay.
- B. Under normal circumstances, a Captain or Precinct Commander, **Night Supervisor, Area** Watch Commander, Major, **and** the Assistant Chief of Police or the Chief of Police can require an officer, who has been relieved from duty, to surrender his/her weapon, shield, cap badge, and identification card. Only under extenuating or emergency circumstances, may a

supervisor of lesser rank than listed above require the surrender of an officer's weapon, shield, cap badge and identification card.

- ⌘ 10 **NEGLECT OF DUTY** – Department members, while on duty, shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty. *(This rule covers conducting personal business or attending to personal pleasures which might distract employees from their responsibilities or hamper them from responding to calls for service.)*
- ⌘ 11 **LEAVING DUTY POST** – Department members shall not leave their assigned duty posts during a tour of duty except when authorized by proper authority. Officers shall keep the Division of Emergency Communications (D.E.C.) advised of any change in their location. *(An officer's failure to remain on his/her assigned post can have serious repercussions that endanger the safety of other officers and the public.)*
- ⌘ 12 **SLEEPING ON DUTY** – Department members shall remain awake while on duty. If unable to do so, an employee shall so report to his/her supervisor, who shall determine the proper course of action. *(Sleeping on duty is a serious problem for some police department employees. Irregular hours, emergency situations, and long periods of relative inactivity take their toll on the human body. However, sleeping on the job is not only dangerous, it is a waste of the taxpayers' money and harmful to the reputation of the Department, when a sleeping employee is discovered by a citizen. If an employee is not able to stay awake on the job, the supervisor should take appropriate action such as relief from duty, reassignment or disciplinary measures.)*
- ⌘ 13 **SEXUAL ACTIVITY ON DUTY** – Engaging in sexual activity while on duty is prohibited. *(Engaging in sexual activity while on duty is harmful to the Department's reputation and a breach of the public's trust. It is prima facie evidence of neglect of duty.)*
- ⌘ 14 **UNSATISFACTORY PERFORMANCE** – Department members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or order of the Department. *(This rule covers unsatisfactory performance and includes several methods of establishing unsatisfactory performance or incompetence. Most of the occasions for use of this rule will arise from an employee's failure to perform as required. Failure to perform or inaction is usually more difficult to prove than a specific act of misconduct. If specific acts amounting to neglect of duty are present,*

§ 10 should be charged. If a pattern of poor evaluations or rule violations is present, this rule applies. Other instances covered by this section are spelled out.)

- § 15 COWARDICE – Police employees will not display any behavior that indicates cowardice in the line of duty. Unless incapacitated, members of the Department will aid, assist, and protect fellow Department members, **other Law Enforcement members** and citizens in time of danger or under conditions where danger is imminent.
- § 16 POSSESSION AND USE OF DRUGS – Employees shall not possess or use any controlled substances, narcotics, or hallucinogens, except when prescribed in the treatment of the Department member by a physician or dentist. If a Department member is required to take prescription medication, it shall be his/her responsibility to ascertain if the medication could affect or impair the employee's ability to perform his/her duty. If so, the Department member shall notify his/her supervisor. *(Since possession of a prescription medication without a prescription, or use of controlled substances is, in most cases, a criminal act, this section does not add to the rules of conduct any prohibition not applicable to the general public or applicable to the Department member through § 5. However, this section is specific to drugs, and it requires the Department member to notify the Department of any authorized medical use of such substances, if such substance could affect or impair his/her ability to perform his/her duty. This notification alerts the Department to possible physical or mental effects of drug use and gives the Department an opportunity to take appropriate action.)*
- § 17 ALCOHOLIC BEVERAGES AND DRUGS IN POLICE FACILITIES – Employees shall not store or bring into any police facility or vehicle any alcoholic beverages, controlled substances, narcotics or hallucinogens, except those which are held as evidence or investigation. Refer to the Policy and Procedure Manual for more specific guidance. *(Police employees should not have drugs in police facilities, unless the drugs are to be processed as outlined in the Policy and Procedure Manual.)*
- § 18 USE OF ALCOHOL WHILE ON DUTY OR IN UNIFORM - Department members shall not consume intoxicating beverages while on duty or while in uniform. It is recognized that certain undercover and/or investigative operations may necessitate an officer to consume moderate amounts of alcohol; however, he/she may do so only while acting under proper and specific orders from a supervisory officer. Members shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath. *(This section prohibits employees from drinking alcohol while on duty or in uniform except when under orders to do so. The rule also applies to off-duty drinking which impacts in certain ways upon the employee's duty time.)*
- § 19 USE OF ALCOHOL OFF-DUTY - Members of the Department, who are on call back status, will not drink alcoholic beverages or consume any other intoxicants. *(Members, while off- duty, shall refrain from consuming intoxicating beverages to the extent that it results in the impairment, intoxication, or obnoxious or offensive behavior which discredits them or the Department, or renders the employee unfit to perform his/her next regular tour of duty.)*

⌘ 20 USE OF TOBACCO – Members of the Department will observe all existing City policies and regulations regarding smoking in the workplace. Further, members of the Department will not use any tobacco products, while in direct contact with the public, while operating a city vehicle or while in a public building or a police facility. *(The member should be aware that smoking is a health concern for some individuals and therefore he/she should refrain from smoking in public.)*

⌘ 21 GIFTS AND GRATUITIES AND BUSINESS OPPORTUNITIES

Members of the Department shall not:

- A. Offer or accept any other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;
- B. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;
- C. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence the employee in the performance of official duties;
- D. Accept any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in the performance of official duties;
- E. Accept a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor;
- F. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain; or,
- G. Accept, directly or indirectly, any gift or present from any person engaged in or suspected of any illegal activity.

⌘ 22 FINANCIAL DISCLOSURE (Not applicable to School Crossing Guards or Support Officers) – Officers shall submit financial disclosure statements, when ordered to do so by the Chief of Police or designee, and when such order is within the limitations set forth by Virginia Code 9.1-503. These statements are to be maintained by the Chief and shall not be available for public disclosure. Upon appropriate orders, or when an employee is the subject of an internal investigation, the employee may be required to submit personal financial data.

⌘ 23 ABUSE OF POSITION

- A. Department members shall not use their official position, official identification cards or badges for personal or financial gain, for obtaining privileges not otherwise available to them except in the performance of duty, or for avoiding consequences of illegal acts. Members shall not lend to another person, their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.
- B. Department members shall not authorize the use of their names, photographs, or official titles that identify them as police employees, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief.

(This section prohibits an employee from lending or abusing identification cards or badges, as well as commercial exploitation of official position.)

- ⌘ 24 ENDORSEMENTS AND REFERRALS – Department members shall not recommend or endorse in an official capacity the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, employees shall proceed in accordance with established Department procedures. *(In order to avoid any possibility of the appearance of conflict of interest or "kickback" arrangements, employees must be prohibited from recommending particular products or services related to the performance of their duties. Usually, this section will apply to an employee's dealing with persons outside the Department. Although general information may be provided, there must be no appearance that the employee or the department has taken any part in selecting the product or service, except as stated.)*
- ⌘ 25 CLAIMS FOR DAMAGES - Every member of the Department shall immediately notify the Chief of Police of any claim for compensation or damages that he/she makes against any person or entity, which arises out of or relates to the performance of his/her duties.
- ⌘ 26 ASSOCIATIONS – Employees shall avoid regular or continuous associations or dealings with persons, whom they know or should know, are under criminal investigation or indictment, or who have a reputation in the community or the Department for involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of their personal relationships to the employee. No Department member shall knowingly communicate, by any means, to any person, information which may assist any person to escape arrest or punishment, prepare for raids, destroy or conceal evidence (money, property or information sought by the police). *(The underlying policy that this section seeks to implement is that persons of notoriously bad character or reputation must be avoided because of the appearance of impropriety and the danger of contaminating an employee's character or reputation. Some flexibility is allowed in unavoidable personal relationships, such as when the employee's spouse or child is included with the prohibited associations.)*

§ 27 VISITING PROHIBITED ESTABLISHMENTS – Employees shall not knowingly visit or frequent an establishment wherein the laws of the United States, the Commonwealth of Virginia, or the City of Richmond are regularly violated, except in the performance of duty or while acting under proper and specific orders from a supervisor. *(Except in the performance of duties, a law enforcement employee should not be in a place where the employee knows illegal activity is taking place. If the employee has no reason to know of illegal activity, he/she should not be held strictly accountable.)*

§ 28 GAMBLING

- A. Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.
- B. The purchasing of lottery tickets by Department personnel, while on duty, is prohibited. (Gambling may be authorized when necessary to the performance of the employee's duties (i.e., when the officer is operating undercover in a gambling investigation.)

§ 29 STATEMENTS AND APPEARANCES

- A. Employees shall not criticize or ridicule the Department, its policies, or other employees by speech, writing, rumor, or other expression, where such speech, writing, rumor, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
- B. Department members shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Department, while presenting themselves as representing the Department in such matters, without proper authority.

(This section recognizes the employee's First Amendment rights to freedom of speech, as well as the need for the Department to operate without unlawful or destructive criticism. A blending of these factors is present in the rule, which has been upheld in the courts. The second segment of the rule limits employees' statements, when employees are holding themselves out as representing the Department.)

§ 30 PERSONAL APPEARANCE – Department members shall maintain their appearance in compliance with General Order 4-4 "Grooming and Personal Appearance".

§ 31 IDENTIFICATION

- A. Sworn members shall carry their badges and identification cards on their persons at all times within the boundaries of the City of Richmond, except when impractical or dangerous to their safety or to an investigation.

- B. Members shall furnish their name and badge number to any person requesting that information, when they are on duty or while representing themselves as a police employee, except when the withholding of such information is necessary for the performance of duties or is authorized by proper authority.
- C. Members shall display their identification card and badge when necessary in the course of Department business.
- D. Every Richmond Police Department employee must have a Police ID displaying photo and correct Department identifying information consisting of the employee's name, title, and code number.

§ 32 CITIZEN COMPLAINTS – It is the responsibility of each Department member to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Employees shall not interfere, discourage, or delay the making of, or the investigation of citizen complaints. Although an employee may attempt to explain an incident or a Department policy to a citizen, the employee shall adhere to the procedure for handling citizen complaints as outlined in the Policy and Procedure Manual. *(Refer to General Order 7-21)*

§ 33 COURTESY – Employees shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle, gender, or any personal characteristics. *(More citizen complaints result from police discourtesy than from almost any other cause. Discourtesy may include overt rudeness, annoyance, abusive or insulting language, racial or ethnic slurs, overbearing attitude, sexual or social references, disrespect, or a lack of proper attention or concern. In the performance of their duties, employees must maintain a neutral and detached attitude, without indicating disinterest or that a matter is petty or insignificant.)*

§ 34 REQUESTS FOR ASSISTANCE – When any person applies for assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Department procedures. *(Discourtesy, inattention, delays in response or failures to respond to requests for assistance are major causes of complaints against a police department. To the party requesting assistance, the matter is of paramount importance and an attitude indicating a lack of concern or a failure to respond efficiently is irritating. If the employee knows that a request cannot be handled immediately, the requesting party should be informed of the nature and reason for the delay. It is improper for an employee to intentionally fail to respond to or delay response to a call for service.)*

§ 35 POLITICAL ACTIVITY

- A. Any member of the Department, either individually or as a member of a group or political organization, may take part in a campaign of any political organization seeking the election of candidates or any individual political candidate for office provided that the Department member is off duty and not on the Department's premises. Uniformed members may not be in uniform when engaging in such activity. No such political activities by a member of a group or organization shall be carried on in the name of the City or any department, bureau, division or agency thereof, or by any group of employees in the police department.
- B. No member of the Department shall use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office, and no member of the Department shall directly or indirectly coerce, attempt to coerce, command, or advise another member of the Department, or any employee of the City, to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
- C. No sworn officer in either a classified or unclassified position with the City shall continue in such position, after being elected to any public office elected by voters of an election district which includes all or a part of the City of Richmond, or by the voters at large of the city for a constitutional office serving only the City of Richmond.
- D. No non-sworn employee in either a classified or unclassified position with the City shall continue in such position, after becoming a candidate for nomination or election to any public office elected by voters of an election district which includes all or a part of the City of Richmond, or by the voters at large of the city for a constitutional office serving only the City of Richmond. *(This rule is derived from Section 2-1240 of the City Code).*
- E. Department members shall not use Department or City funds or supplies for political purposes or solicitation for activities or causes not related to their job *(City Administrative Regulation 1.2).*
- F. Electioneering in any City office, building or premises during working hours is prohibited. *(This rule is derived from Section 2-1240 of the City Code.)*

⌘ 36 LABOR ACTIVITY

- A. Employees have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.
- B. Employees shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of

inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

(Public employees have a constitutional right to join labor organizations. Laws prohibiting such actions are void. Persons may not be punished for exercising a constitutional right. However, while the Constitution allows police officers to join a union, it does not require the employer to recognize or negotiate with that union. An "employee association" is not substantively different from a union unless it is purely social and does not seek to represent members' interests with an employer.)

- ⌘ 37 RESIDENCE – Department members, ***within 3 days of any changes***, shall furnish the Department with a permanent address and telephone number, where they may be reached in the event of an emergency. *(This rule is necessary so that the Department is able to contact employees in the event of a civil disturbance or other Department related business.)*
- ⌘ 38 CHANGE IN DOMESTIC STATUS – Department members shall report to the Chief of Police, by the member's next workday, any change in domestic status with reference to marriage, legal separation, divorce, or death of spouse. *(This rule is necessary in order that the Department be kept current regarding next of kin.)*
- ⌘ 39 CONFIDENTIALITY (Dissemination of Information) – No member shall reveal police information outside the Police Department except as provided elsewhere in this manual or as required by law or competent authority. Information contained in police records, information ordinarily accessible only to members, names of informants, complainants, witnesses and other persons known to the police are considered confidential. Unauthorized copying or duplication of official records is prohibited. *(Police employees regularly come into possession of information of extreme sensitivity. The confidentiality of this information must be maintained. Confidential information must not be used to the employee's personal benefit, or to damage the reputation of any person, or to assist any person in avoiding the consequences of criminal acts.)*
- ⌘ 40 INTERVENTION/INTERFERENCE – Officers shall not interfere with cases being handled by other officers of the Department or by any other governmental agency unless:
- A. Ordered to intervene by a supervisory officer, or
 - B. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

(Each police officer in the Department draws his/her authority from the same source, generally the state law. Within the confines of whatever administrative restrictions may be placed upon him/her, each officer's power to make arrests is exactly the same as every other officer's power.)

- ⌘ 41 COOPERATION – Department members shall cooperate with and assist each other at every opportunity and shall not publicly criticize the work performance of any other member. In time of emergency, employees are expected to be calm and resolute and cooperate with others so that mutual protection is afforded and

maximum efficiency is attained. While on duty, employees shall aid and/or reasonably assist persons within the City whenever such aid or assistance appears to be called for and is not in conflict with the general principles of law enforcement or in violation of legal statutes or departmental rules and regulations. When rendering assistance, employees shall neutralize hazardous situations or remain on the scene until the hazard is eliminated, giving due consideration to calls for service elsewhere.

§ 42 TRUTHFULNESS – Department employees are to speak or write the truth at all times, whether under oath or not, in giving testimony, or in connection with any official order or duties. Written documentation submitted by all Department employees shall be truthful and complete, and no employee shall knowingly enter or cause to be entered, any inaccurate, false or improper information. Employees shall submit all necessary departmental reports on time and in accordance with established procedures. EXCEPTION: Undercover investigations or toward lawful objectives during an investigation. *(This section requires an employee to respond truthfully to any questions under certain conditions. The section is not limited to internal investigations. An employee who is the subject of an internal investigation may be ordered to answer questions, even though the answers might incriminate the employee. Failure to obey an order to answer all questions may result in disciplinary action. However, the answers that the employee gives in such a situation may not be introduced against him/her in a criminal prosecution of the employee. If it is intended that the employee's statements be used in a criminal prosecution, the employee must be given Miranda warnings.)*

§ 43 POLYGRAPH, MEDICAL EXAMINATIONS, PHOTOGRAPHS AND LINEUPS:

- A. Polygraph Examinations. Employees shall adhere to the Department's polygraph policy as outlined in the Policy and Procedure Manual (**General Order 5-17**).
- B. Medical Examination, Photographs, and Lineups. Upon the order of the Chief or the Chief's designee, employees shall submit to any medical, ballistics, chemical or other tests, photographs, or lineups. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department. *(An employee may be compelled to submit to a polygraph examination for purposes of an internal investigation concerning allegations of misconduct or criminal activity. When an employee is ordered to submit to a polygraph exam, the questions asked must be directly related to the matter under investigation. An employee shall not be ordered to submit to a polygraph exam if he/she is the subject of a criminal investigation. Only if the employee is given Miranda warnings and then consents, should a polygraph be given in a criminal case. Frequently a citizen complains of abuse by an employee, but there are no witnesses or other outside evidence, and the employee denies the offense. In a "one-on-one" situation, there may be no more reason to suspect the employee of lying than to suspect the complainant of doing so. In such cases, it may be unfair to require the employee to submit to a polygraph, unless the*

complainant is also willing to submit. Just as a criminal suspect may not refuse to give "non-testimonial" evidence against him/herself, an employee in an internal investigation may be required to give such evidence. The only restriction is that the evidence be related to the particular investigation.)

- ⌘ 44 RESPECT – Department members shall treat superiors, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, officers shall be referred to by rank. Supervisors are forbidden to injure or discredit those under their authority by tyrannical or capricious conduct or by abusive language.
- ⌘ 45 USE OF FORCE – Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force in accordance with law and Department procedures. (General Order 1-5)
- ⌘ 46 TREATMENT OF PERSONS IN CUSTODY – Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with law and Department procedures. (General Orders 6-10, 1-6)
- ⌘ 47 PRISONER SAFETY – The arresting officer is responsible for the custody and safety of their prisoner, until competent authority relinquishes custody, and the arresting officer no longer has constructive control over the prisoner. This responsibility extends or transfers to any officer involved in transporting a prisoner, and includes the prevention of acts by any other officer or person, which violates the law or Department directives. (General Orders 6-10, 1-6)
- ⌘ 48 CONSTANT POLICE RESPONSIBILITY (Not applicable to School Crossing Guards or Support Officers) – Off duty police officers are subject to duty at all times and are encouraged to carry their approved firearms while in their jurisdiction. Officers are reminded that they have a constant police responsibility, but should temper that knowledge with discretion. *(This rule establishes that officers are subject to duty at all times. While not making it an absolute requirement, the rule encourages the wearing of an approved firearm while off duty and in their jurisdiction. The Department does not expect its officers to be armed when they have been drinking or are engaged in recreational activities. The reminder that they have a constant responsibility does not necessarily mean they are mandated to take direct action if wisdom and judgment should dictate otherwise. In some instances, requesting police assistance from the Division of Emergency Communications can fulfill "constant police responsibility". Officers should review General Order 1-7, Police Weapons. The philosophy of the Department is further explained in that policy.)*
- ⌘ 49 CARRYING FIREARMS (Not applicable to School Crossing Guards or Support Officers) - Officers shall carry firearms in accordance with law and established Department policies and procedures. Officers who desire to carry personal firearms during off-duty hours or while working must register such weapons and obtain approval in compliance with Department policy. The Law Enforcement Officers Safety Act of 2004 (18 USC 926 c) permits a qualified law enforcement officer to carry a concealed weapon in other states if he/she is carrying the photo identification issued by his/her agency. Notwithstanding this federal law, the

Department's policies governing the carrying of firearms on duty or off-duty shall remain in effect. The Department does not authorize active officers to carry Department issued firearms outside of the Commonwealth of Virginia, unless it has been pre-approved by the Department for some job-related purpose, such as an escort of a custodial arrestee.

- ⌘ 50 USE OF WEAPONS – Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with law and Department procedures. *(No weapons should be handled improperly. Department procedures establish the proper methods for use and care of weapons.)*
- ⌘ 51 USE OF DEPARTMENT EQUIPMENT – Members of the Department shall utilize Department equipment only for its intended purpose, in accordance with established procedures, and shall not abuse, damage, or handle Department equipment in a careless manner. All equipment issued to employees shall be maintained in proper order. Department employees shall not leave issued equipment such as weapons or portable radios in the passenger compartment of any unoccupied Department vehicle or personal vehicle. Whether on or off-duty, employees shall take reasonable precautions to prevent the loss, theft or damage of departmental issued equipment and other property including but not limited to radios, police identification, police uniforms or uniform parts, and weapons. All of the above listed items or any other item not attached to the vehicle that either exceeds \$250 in value or could be used by an individual to represent him/her self as a Richmond Police Officer, shall be secured in the trunk of the vehicle or removed from the vehicle when it is parked, while off-duty. *(Employees are entrusted with a great deal of very valuable equipment and must exercise the utmost caution in its use and maintenance. Also, especially in the case of vehicles, employees should not be permitted to use Department equipment for personal business, except where specifically provided for by the Department.)* (General Order 3-9)
- ⌘ 52 OPERATION OF VEHICLES – Employees shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all orders pertaining to such operation. Revocation or suspension of Virginia Operator's license shall be reported to the Chief of Police immediately.
- ⌘ 53 OFFICIAL NOTICES/DEPARTMENT BULLETIN BOARDS – Members shall not mark, alter or deface any posted notice of the Department. Posted notices shall not contain derogatory or profane statements directed to any individual or group of persons.
- ⌘ 54 ARREST IN PERSONAL SITUATIONS – Police officers shall not make arrests in their own situations, or those of their families, except under grave circumstances that would justify them in using measures of self-defense.
- ⌘ 55 PRIVACY - No member shall duplicate, cause to be made, or allow to be made a copy of a key pertaining to the official business of the Richmond Police Department or the City of Richmond without authorization from proper supervisory authority. No employee shall enter the office, filing cabinet(s) or computer file(s) of another, except for official business or line/staff inspections.

- § 56 INSPECTIONS – Line and Staff Inspections of members' appearance, uniform, equipment, or compliance with directives may be made at any time by a designated authority, except that formal inspections are pre-announced. Such inspections may include, but are not limited to, examination of police vehicles, lockers, desks, computer files, or other space on departmental premises used by any member. A reasonable effort shall be made to have the owner of lockers, desks, computer files or other private areas present or notified of the inspection.
- § 57 CONFLICT OF INTEREST – Members of the Department will not engage in any activity, which conflicts in any way with the objectives of the Department, damages the Department's image, or compromises its law enforcement authority.
- § 58 DUTY TO INFORM – Employees shall communicate to their Commanding Officer any violation of the Rules and Regulations, the infraction of which would bring discredit to the Department. Employees will communicate promptly, before end of tour of duty, to a supervisor, any information regarding tips on crimes or criminal activity, or any other relevant law enforcement information, which may come into their possession. Officers shall report to a supervisor any contact with any City, State or Federal Officials or their immediate families promptly or before end of tour of duty. *(The Department does not expect its employees to inform regarding minor infractions. The rule does require employees to bring to the Department's attention, instances and behavior that are likely to bring the Department into disrepute.)*
- § 59 FULL DISCLOSURE – All police employees shall cooperate with any official internal investigation. Therefore, it is the duty of all employees to answer questions of an official nature completely and candidly. Failure to disclose information pertinent to any internal investigation, when requested by a supervisor, either verbally or in writing, shall be considered a violation of Department policy.
- § 60 *INEFFICIENCY – Department members that display a continuous pattern of disciplinary actions involving suspension or greater disciplinary actions are subject to termination. The nature and seriousness of each offense including whether the offense was intentional or not should be weighted during this type of investigation.*
- § 61 *REPORTING FOR COURT – Department members shall report to court at the time and place as directed by a supervisor or subpoena or upon issuance of a summons and shall be physically and mentally fit to perform their duties. They shall be properly dressed and equipped in accordance with Department guidelines. Also, there are judicial penalties for ignoring a subpoena, this section provides for administrative action if an employee fails to respond to a subpoena. (General Order 6-12)*

IX. PENALTIES:

- A. *The Richmond Police Department shall maintain a philosophy of progressive discipline. Disciplinary action for minor infractions is applied in several steps of increasing severity in order to afford the employee the opportunity to correct behavior or inadequate job performance with the minimum level of discipline*

applied at each step. However, the organizational level of discipline and the progressive sanction may be waived by the Department if the seriousness of the violation warrants. The Appointing Authority is required to consult with Human Resources for approval before initiating any demotion, reduction of pay, suspension more than 15 days or dismissal. Justification for any action taken rests with the Appointing Authority. The Appointing Authority has the option to either increase or decrease any recommended penalty, depending on aggravating or mitigating circumstances as outlined in the Douglas Factors. (see section IX.C of this policy)

1. *No action may be taken against any member of the Department covered under this order, except for cause.*
 - a. *There are two types of actions:*
 - 1) *Corrective actions - Oral admonishment, counsels, training, close supervision, special performance evaluation, or transfer recommendation to Commander/Captain.*
 - 2) *Disciplinary actions - Reprimand, suspension, reduction in pay, demotion or dismissal/termination.*
 - b. *Members against whom corrective action is taken have the right to contest the action to the Department's Disciplinary Review Officer (DRO). Such action will not be subject to further appeal. Corrective action shall be retained in a member's departmental personnel file and City Human Resources for a period of 2 years from the effective date.*
 - c. *Members against whom disciplinary action is taken are entitled to protection under the City's disciplinary procedures, as defined in Chapter V of the City of Richmond Personnel rules for the Classified Service and Administrative Regulation 4.11.*
2. *Disciplinary Authority – A supervisor in the Department who is authorized to administer a certain action within the Chain of Command. If the supervisor is absent and has designated a subordinate to act in his or her place, the designated person may exercise the supervisor's disciplinary authority.*
3. *Multiple corrective actions within a 2 year period may initiate disciplinary action based on the circumstances. However, any corrective action documentation over 2 years old shall be purged from the employee's file and shall not be considered or used in any determination or furtherance of discipline.*
4. *Multiple disciplinary actions within a 3 year period may initiate more severe disciplinary action based on the circumstances. However, any disciplinary action documentation over 3 years old shall be purged from*

the employee's file and shall not be considered or used in any determination or furtherance of discipline.

B. Offenses and Penalties:

1. *The following list of classifications and penalties shall not be considered as all-inclusive. Additional penalties may include reduction-in-pay and or disciplinary demotion and/or specified training to be determined on a case by case analysis where unique factors may exist. First offenses of any department regulation other than those outlined below, within a two year period, shall subject the member to a corrective action as defined above. Any subsequent misconduct within the prescribed two year period may subject the member to disciplinary action as determined by the investigating supervisor.*

2. *Conduct as described below is prohibited and shall serve as the basis for disciplinary action.*

a. CLASS A – MINOR OFFENSE:

Negligible Violation and Disregard of Policy:

- 1) *The employee has received prior recent corrective action for the same offense.*
- 2) *The incident did not result in any damage to City, personal or a citizen's property.*
- 3) *The incident did not result in reputation damage to the City or Police Department.*

b. CLASS B – MID-LEVEL OFFENSE:

Increased Severity of violation and disregard of policy:

- 1) *The employee has received prior recent discipline for the same or similar violation.*
- 2) *The incident was the result of a situation within the control of the employee.*
- 3) *The incident resulted in minor damage to the City, personal or a citizen's property.*
- 4) *The incident resulted in minor reputation damage to the City or Police Department.*
- 5) *The employee had time to seek advice before acting.*

c. CLASS C – MAJOR OFFENSE:

Critical and very serious violations and disregard of policies:

- 1) *The incidents resulted in major damage or impact to the Department.*
- 2) *The incidents resulted in major reputation damage to the City or Police Department.*
- 3) *The incident resulted in major damage to City, personal or a citizen's property.*
- 4) *The incident resulted in serious physical damage to employee/employees or citizens.*
- 5) *The incident resulted in an integrity issue.*
- 6) *The conduct was so outrageous that attempts to correct performance would be fruitless.*
- 7) *Employee has received prior corrective and or discipline for multiple similar violations.*

		<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>
<i>A Offense</i>		<i>Level 1</i>	<i>Level 1 or 2</i>	<i>Level 2</i>
<i>B Offense</i>		<i>Level 2</i>	<i>Level 2 or 3</i>	<i>Level 3 or 4</i>
<i>C Offense</i>		<i>Level 4</i>	<i>Level 5 or 6</i>	<i>Level 6</i>

Level 1- Corrective action

Level 2 – Reprimand

Level 3 - 1 to 5 day suspension

Level 4 – 6 to 10 day suspension

Level 5 - 11 day suspension up to demotion

Level 6 – Termination

<i>Offenses/Violations of:</i>	<i>Class</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>
§ 01 AUTHORITY OF ORDERS/INSUBORDINATION	B	Level 2	Level 2 or 3	Level 3 or 4
§ 02 ISSUING LAWFUL ORDERS	B	Level 2	Level 2 or 3	Level 3 or 4
§ 03 CONFLICTING OR ILLEGAL ORDERS	B	Level 2	Level 2 or 3	Level 3 or 4
§ 04 IMMORAL OR UNBECOMING CONDUCT	B	Level 2	Level 2 or 3	Level 3 or 4
§ 05 CONFORMANCE TO LAWS	B	Level 2	Level 2 or 3	Level 3 or 4
§ 06 REPORTING FOR DUTY	B	Level 2	Level 2 or 3	Level 3 or 4
§ 07 LEAVE	B	Level 2	Level 2 or 3	Level 3 or 4
§ 08 FICTITIOUS ILLNESS OR INJURY REPORTS	B	Level 2	Level 2 or 3	Level 3 or 4
§ 09 UNFIT FOR DUTY	B	Level 2	Level 2 or 3	Level 3 or 4
§ 10 NEGLIGENCE OF DUTY	B	Level 2	Level 2 or 3	Level 3 or 4
§ 11 LEAVING DUTY POST	B	Level 2	Level 2 or 3	Level 3 or 4
§ 12 SLEEPING ON DUTY	B	Level 2	Level 2 or 3	Level 3 or 4
§ 13 SEXUAL ACTIVITY ON DUTY	C	Level 4	Level 5 or 6	Level 6
<i>Offenses/Violations of:</i>	<i>Class</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>
§ 14 UNSATISFACTORY PERFORMANCE	B	Level 2	Level 2 or 3	Level 3 or 4
§ 15 COWARDICE	C	Level 4	Level 5 or 6	Level 6
§ 16 POSSESSION AND USE OF DRUGS	C	Level 4	Level 5 or 6	Level 6
§ 17 ALCOHOLIC BEVERAGES AND DRUGS IN POLICE FACILITIES	C	Level 4	Level 5 or 6	Level 6
§ 18 USE OF ALCOHOL WHILE ON DUTY OR IN UNIFORM	C	Level 4	Level 5 or 6	Level 6
§ 19 USE OF ALCOHOL OFF-DUTY	B	Level 2	Level 2 or 3	Level 3 or 4
§ 20 USE OF TOBACCO	A	Level 1	Level 1 or 2	Level 2
§ 21 GIFTS AND GRATUITIES AND BUSINESS OPPORTUNITIES	A	Level 1	Level 1 or 2	Level 2
§ 22 FINANCIAL DISCLOSURE (Not applicable to School Crossing Guards or Support Officers)	A	Level 1	Level 1 or 2	Level 2
§ 23 ABUSE OF POSITION	B	Level 2	Level 2 or 3	Level 3 or 4
§ 24 ENDORSEMENTS AND REFERRALS	A	Level 1	Level 1 or 2	Level 2
§ 25 CLAIMS FOR DAMAGES	A	Level 1	Level 1 or 2	Level 2

§ 26	ASSOCIATIONS	B	Level 2	Level 2 or 3	Level 3 or 4
§ 27	VISITING PROHIBITED ESTABLISHMENTS	B	Level 2	Level 2 or 3	Level 3 or 4
§ 28	GAMBLING	B	Level 2	Level 2 or 3	Level 3 or 4
§ 29	STATEMENTS AND APPEARANCES	B	Level 2	Level 2 or 3	Level 3 or 4
§ 30	PERSONAL APPEARANCE	A	Level 1	Level 1 or 2	Level 2
§ 31	IDENTIFICATION	A	Level 1	Level 1 or 2	Level 2
§ 32	CITIZEN COMPLAINTS	B	Level 2	Level 2 or 3	Level 3 or 4
§ 33	COURTESY	B	Level 2	Level 2 or 3	Level 3 or 4
§ 34	REQUESTS FOR ASSISTANCE	B	Level 2	Level 2 or 3	Level 3 or 4
§ 35	POLITICAL ACTIVITY	B	Level 2	Level 2 or 3	Level 3 or 4
§ 36	LABOR ACTIVITY	B	Level 2	Level 2 or 3	Level 3 or 4
§ 37	RESIDENCE	A	Level 1	Level 1 or 2	Level 2
§ 38	CHANGE IN DOMESTIC STATUS	A	Level 1	Level 1 or 2	Level 2
§ 39	CONFIDENTIALITY (Dissemination of Information)	C	Level 4	Level 5 or 6	Level 6
Offenses/Violations of:		Class	First Offense	Second Offense	Third Offense
§ 40	INTERVENTION/ INTERFERENCE	B	Level 2	Level 2 or 3	Level 3 or 4
§ 41	COOPERATION	B	Level 2	Level 2 or 3	Level 3 or 4
§ 42	TRUTHFULNESS	C	Level 4	Level 5 or 6	Level 6
§ 43	POLYGRAPH, MEDICAL EXAMINATIONS, PHOTOGRAPHS AND LINEUPS	C	Level 4	Level 5 or 6	Level 6
§ 44	RESPECT	B	Level 2	Level 2 or 3	Level 3 or 4
§ 45a	USE OF FORCE – EXCESSIVE FORCE VIOLATION	C	Level 4	Level 5 or 6	Level 6
§ 45b	USE OF FORCE – ALL OTHER VIOLATIONS	B	Level 2	Level 2 or 3	Level 3 or 4
§ 46	TREATMENT OF PERSONS IN CUSTODY	C	Level 4	Level 5 or 6	Level 6
§ 47	PRISONER SAFETY	B	Level 2	Level 2 or 3	Level 3 or 4
§ 48	CONSTANT POLICE RESPONSIBILITY (Not applicable to School Crossing Guards or Support Officers)	A	Level 1	Level 1 or 2	Level 2
§ 49	CARRYING FIREARMS (Not applicable to School Crossing Guards or Support Officers)	B	Level 2	Level 2 or 3	Level 3 or 4

§ 50	USE OF WEAPONS	B	Level 2	Level 2 or 3	Level 3 or 4
§ 51	USE OF DEPARTMENT EQUIPMENT	B	Level 2	Level 2 or 3	Level 3 or 4
§ 52	OPERATION OF VEHICLES	B	Level 2	Level 2 or 3	Level 3 or 4
§ 53	OFFICIAL NOTICES/DEPARTMENT BULLETIN BOARDS	A	Level 1	Level 1 or 2	Level 2
§ 54	ARREST IN PERSONAL SITUATIONS	B	Level 2	Level 2 or 3	Level 3 or 4
§ 55	PRIVACY	B	Level 2	Level 2 or 3	Level 3 or 4
§ 56	INSPECTIONS	A	Level 1	Level 1 or 2	Level 2
§ 57	CONFLICT OF INTEREST	B	Level 2	Level 2 or 3	Level 3 or 4
§ 58	DUTY TO INFORM	B	Level 2	Level 2 or 3	Level 3 or 4
§ 59	FULL DISCLOSURE	B	Level 2	Level 2 or 3	Level 3 or 4
§ 60	INEFFICIENCY	C	Level 4	Level 5 or 6	Level 6
§ 61	REPORTING FOR COURT	B	Level 2	Level 2 or 3	Level 3 or 4

C. Douglas Factors:

In considering aggravating or mitigating circumstances, supervisors will utilize the following factors taken from Douglas v. Veterans Administration, 5 M.S.P.R. 280 305-306 (1981):

- 1. The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;*
- 2. the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;*
- 3. the employee's past disciplinary record;*
- 4. the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;*
- 5. the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's work ability to perform assigned duties;*
- 6. consistency of the penalty with those imposed upon other employees for the same or similar offenses;*
- 7. consistency of the penalty with any applicable agency table of penalties;*

8. *the notoriety of the offense or its impact upon the reputation of the agency;*
9. *the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;*
10. *the potential for the employee's rehabilitation;*
11. *mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and,*
12. *the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.*
13. *any other relevant circumstances or facts that may directly impact the outcome scenarios and or decision making ability.*